IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2762 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DINESHKUMAR LALABHAI PATEL

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

1. Special Civil Application No. 2762 of 1995

MR BN PATEL for Petitioner No. 1-6

MR SIRAJ GORI AGP for Respondent No. 1-2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 01/02/2003

ORAL JUDGEMENT

The petitioners before this Court seek admission

to PTC [Primary Teachers Certificate] Course on the seats reserved for Baxi Panch candidates.

It appears that petitioners herein belong to a community known as Hindu Anjana Chodhary [Non-Scheduled Tribe]. The said community was, under the Government Notification dated 25th July, 1994, declared to be Socially & Educationally Backward Class. The said class of people were conferred with the benefits of reservation in public employment, admission to educational institutions, etc. Pursuant to the said declaration, the petitioners were issued necessary Caste Certificate on 30th January, 1995. It further appears that sometime in the month of July, 1994, the petitioners had applied for admission to PTC Course for the Academic Year 1994-95. Pending the admission process, the community of Hindu Anjana Chodhary was declared to be a Socially & Educationally Backward Class, as aforesaid. The petitioners, therefore, claimed that their applications for admission be considered against the seats reserved for such class of people. The request, however, was not accepted as the petitioners were not given the necessary Caste Certificate. By the time such certificates were issued and produced before the authorities, the admission process had been completed. In the circumstances, the petitioners have approached this Court and have prayed that the petitioners be given admission in the PTC Course for the Academic Year 1994-95 on the seats reserved for such class of people.

Pending this petition, under Order dated 29th June, 1995 {Coram : J.M Panchal, J.}, the interim relief was refused mainly on the ground that the first term of the said academic year had already completed and that there was no vacancy for further admission. In my view, by very nature, the petition has become infructuous. No relief as prayed for can be granted after completion of the Academic Year 1994-95. Hence, the petition is dismissed. Rule is discharged.

[Ms. R.M Doshit, J.]

Prakash*